

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/17/2021

-----X
GOLUB CAPITAL LLC,

Plaintiff,

-v-

NB ALTERNATIVE ADVISERS LLC & NEUBERGER :
BERMAN GROUP LLC, (d/b/a DYAL CAPITAL :
PARTNERS), :

Defendants. :
-----X

21-cv-3991 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Defendants' motion to seal is DENIED without prejudice. The arbitral documents the Defendants seek to file under seal are "judicial documents to which the presumption of public access applies." *Coscarelli v. ESquared Hospitality LLC*, 2020 WL 6802516, at *2 (S.D.N.Y. Nov. 19, 2020). Arbitral proceedings are not entitled to sealing merely because the proceedings are not public. *Cf. Istithmar World PJSC v. Amato*, 2013 WL 66478, at *3 (S.D.N.Y. Jan. 7, 2013) ("Courts in this district have generally been loath to seal arbitration awards."). Therefore, as to Dkt. Nos. 21-10 and 21-11, the motion to seal is denied.

As for the Investment Agreement and the New York Affidavit, Dkt. Nos. 20-2, 20-3, both documents contain information that does not satisfy the standard for sealing. Defendants may file a revised motion redacting only those elements of the materials which are protected under *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006).

Defendants will submit the revised motion by 5:00 p.m. on May 19, 2021. In the absence of any revised motion the Court will direct the unsealing of the New York Affidavit and the Investment Agreement.

The Clerk of Court is respectfully directed to unseal the documents at Dkt. No. 21-10 and 21-11.

SO ORDERED.



Dated: May 17, 2021
New York, New York

LEWIS J. LIMAN
United States District Judge